



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240
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April 12, 1996

Howard R. Horrocks et al., Trustee
HCR Box 39
Neola, UT 84053

Dear Mr. Horrocks:

re: The check dam structure located on the San Pitch River
just west of Manti

On February 20th, we sent you a letter concerning the operation of the check dam structure described above. In that letter we stated that the agreements entered into in the 1950's concerning this structure were no longer in force. This statement has caused considerable concern and we have determined that we should rescind that portion of our letter. The state engineer was not a party to the agreement and it did not involve water rights issues. Therefore this office is not capable of determining whether the agreement continues to be valid or not.

However, I would like to re-state that a review of our records indicates that you do not have a water right that would allow you to shut the check dam and irrigate your lands with San Pitch river water from this point of diversion.

Therefore, based on water rights, you do not have a right to operate the structure in question. Whether the agreements are still in force and whether they allow the operation of the structure is a question that will have to be answered elsewhere, perhaps through litigation.

If you have any questions concerning this notice, please contact me at 538-7380 or Kirk Forbush, Regional Engineer, at 896-4429.

Sincerely,

Lee H. Sim, P.E.
Assistant State Engineer
for Distribution and Adjudication

LHS:bd

cc: Kirk Forbush
Lowell Anderson

